

REMARKS

Claims 22-24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner was concerned about the seemingly positive relationship between the connector and the sandwiched concrete wall in the preamble of claim 22, which appeared to the examiner as suggestion of a combination. Applicant has amended the pertinent claim to distinctly claim the connector, rather than the connector sub combination that was considered by the examiner. Having clarified the claimed item, Applicant respectfully request that the examiner withdraw this objection and reconsider claims 22-24 in the amended condition.

Claims 22-24 were further rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent No. 5,519,973 to Keith et al. This ground of rejection is respectfully traversed. The examiner pointed to the opposite anchorage ends on the connector disclosed in Keith et al. However, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The claimed invention is a wide body connector of equal width at both ends of the connector. Even though the Keith et al. patent discloses a connector having anchoring surfaces at opposite ends, it does not teach a wide body connector and instead teaches a nail-like connector with an enlarged head and a pointed opposite end (Figure 1 & 5). The opposite anchorage ends disclosed in the current application is but one of the features (elements) associated with the wide-body connector and should be considered in the context of claim 22. Because the claimed invention does not have all the elements disclosed in the Keith et al. patent, the cited prior art is not anticipating prior art and this ground of rejection should be withdrawn.

Claims 1-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,519,973 to Keith et al. in view of U.S. Patent No. 4,973,211 to Potucek. Applicant respectfully disagrees with the examiner over this ground of rejection. Both of the

Keith et al. and Potucek patents teach a nail-like structure with an enlarged head and a pointed end to facilitate penetration. The fundamental difference between the current application and the prior arts lies in the wide-body formation of the claimed connector in the present invention. It might be reasonable to assume that one skilled in the art might combine the teachings in Keith et al. with that in Potucek to make a nail-like connector with flanges connected with a web. Here, however, Applicant claims a connector with both ends of substantially the same width. When the flanges and web are considered in the context of the claimed invention as a whole, it would not have been obvious for one skilled in the art to combine the teachings of the aforementioned patents in designing a wide-body, essentially rectangular shaped connector. Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention patentably distinguishes over the prior art, including the art cited merely of record.

The remaining rejections in paper No.3 under 103(a) are rendered moot in light of the foregoing remarks which are believed to distinguish the independent claims over the Keith and Potucek references. Reconsideration and withdrawal of the 103(a) rejection of claims 1-21 is respectfully requested.

The application has been amended to correct minor informalities, to further distinguish the application over the prior art, and to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention so as to place the application, as a whole, into a prima facie condition for allowance.

Based on the foregoing, Applicant respectfully submits that its claims 1 - 24 are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations

in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Kent A. Herink", written over a horizontal line.

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